

IN RE: PETITION FOR ADMIN. VARIANCE
N/S Hickory Falls Way, 25' W
of the c/l of Gun Hurst Garth
(9544 Hickory Falls Way)
11th Election District
5th Councilmanic District
Robert Gulino, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 94-119-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Administrative Variance filed by the owners of the subject property, Robert and Denise Gulino. The Petitioners seek relief from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing accessory structure (detached garage) with a height of 18 feet, 6 inches in lieu of the maximum permitted 15 feet, in accordance with Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the

B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 5th day of November, 1993 that the Petition for Administrative Variance requesting relief from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing accessory structure (detached garage) with a height of 18 feet, 6 inches in lieu of the maximum permitted 15 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

- 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) Petitioners shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartments. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.
- 3) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order in the event it becomes necessary to do so as a result of a complaint.
- 4) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

November 5, 1993

(410) 887-4386

Mr. & Mrs. Robert Gulino
9544 Hickory Falls Way
Baltimore, Maryland 21236

RE: PETITION FOR ADMINISTRATIVE VARIANCE
N/S Hickory Falls Way, 25' W of the c/l of Gun Hurst Garth
(9544 Hickory Falls Way)
11th Election District - 5th Councilmanic District
Robert Gulino, et ux - Petitioners
Case No. 94-119-A

Dear Mr. & Mrs. Gulino:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: People's Counsel

file

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/does presently reside at 9544 Hickory Falls Way
Balto MD 21236
(Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (Indicate hardship or practical difficulty)

We built the garage unaware of the height limitation and was informed at the time of the final inspection we were in violation since the garage is complete it would be a practical difficulty to reduce its height

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

Robert S. Gulino AFFIANT (Handwritten Signature)
Denise Gulino AFFIANT (Handwritten Signature)
Robert S. Gulino AFFIANT (Printed Name)
Denise Gulino AFFIANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 15th day of September, 1993, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Robert & Denise Gulino
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

9/15/93
DATE

Indy Hopson
NOTARY PUBLIC

My Commission Expires: 9/1/95

Zoning Description 94-119-A

Beginning at a point on the north side of Hickory Falls Way which is 30 feet wide at the distance of 25 feet west of the center line of the nearest improved intersecting street Gun Hurst Garth which is 30 feet wide. Being Lot # 23 Block # L Section # 3 in the subdivision of Oakhurst as recorded in Baltimore County Plat Book # 0042 Folio # 0133 containing 7624 square feet. Also known as 9544 Hickory Falls Way and located in the 11th Election District.

#128

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 11th Date of Posting: 9/15/93
Posted for: Notice
Petitioner: Robert S. Gulino
Location of property: 9544 Hickory Falls Way, N/S 25' W of Gun Hurst Garth
Location of Sign: Property, on corner of Gun Hurst Garth & Hickory Falls Way
Remarks: _____
Posted by: [Signature] Date of return: 9/15/93
Number of Signs: 1

Baltimore County
Zoning Administration &
Development Management
113 West Chesapeake Avenue
Towson, Maryland 21204

receipt

9/17/93 94-119-A

GULINO - 9544 Hickory Falls Way

#101 - Variance - - - \$50.00

#400 - Sign - - - \$35.00

\$85.00

Taken: JP

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

94-119-A

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section 400.3 (B.C.Z.R.) To permit an accessory structure (detached garage) with a height of 18 feet 6 inches in lieu of the maximum permitted 15 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

We built the garage unaware of the height limitation and was informed at the time of the final inspection we were in violation since the garage is complete it would be a practical difficulty to reduce its height

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Attorney's telephone number

Legal Owner(s):

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Address

City/State/Zip Code

Name, address and phone number of legal owner, contract purchaser or representative to be contacted.

Name

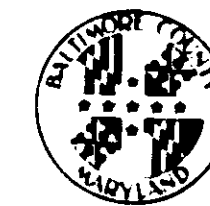
Address

Phone

ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the subject matter of this petition be posted on the property on or before the _____ day of _____, 19____.

ZONING COMMISSIONER OF BALTIMORE COUNTY

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED, THIS PETITION ORDERED BY THE ZONING COMMISSIONER OF BALTIMORE COUNTY, this _____ day of _____, 19____, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be reported, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the _____ day of _____, 19____, at _____ o'clock.



ZONING COMMISSIONER OF BALTIMORE COUNTY

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

Arnold Jablon
ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 128

Petitioner: Robert S. Gulino

Location: 9544 Hickory Falls Way

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Robert S. Gulino

ADDRESS: 9544 Hickory Falls Way

Balto MD 21236

PHONE NUMBER: (410) 529-2150

AJ:ggg

(Revised 04/09/93)

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

October 6, 1993

Mr. and Mrs. Robert Gulino
9544 Hickory Falls Way
Baltimore, Maryland 21236

RE: Case No. 94-119-A, Item No. 128
Petitioner: Robert Gulino, et al
Petition for Variance

Dear Mr. and Mrs. Gulino:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on September 17, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

9-22-93

Ms. Charlotte Minton
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: BALTO. CO.
Item No: 4 128 (JKE)


Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,


for John Contestabile, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2256 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: September 30, 1993

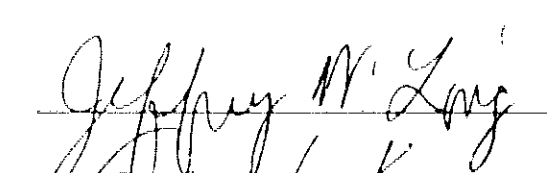
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

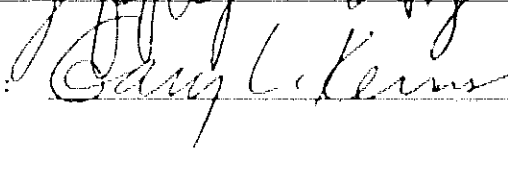
SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 97, 106, 117, 118, 120, 124, 126, 127 and 128.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 897-3489.

Prepared by: 

Division Chief: 

PK/JLL:W

ZAC-97/PZONE/ZAC1

111 West Chesapeake Avenue
Towson, MD 21204

SEPTEMBER 28, 1993

(410) 887-3353

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

ZONING AGENDA - MEETING OF SEPTEMBER 27, 1993

RE: Property Owner: Clarence Cox
Location: #2929 Eastern Boulevard
Item No.: #113(MIF)
No Comments.

RE: Property Owner: Jacqueline Lois LeGarde
Location: #3 St. Timothy's Lane
Item No.: #118 (PT)
1. Fire hydrants for the referenced property are required and shall be located at intervals of 100 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
Sprinklers shall be installed in accordance with MD State Code, State Bill #658.

RE: Property Owner: Eva M. Nolan & Nicholas J. Nolan
Location: #4342 Penn Avenue
Item No.: #115 (PT)
No Comments.

RE: Property Owner: Dorothy M. Beaman
Location: #1402 Edmondson Avenue
Item No.: #120 (JCM)
No Comments.

RE: Property Owner: Melvin Gladney and Fannie Gladney
Location: #6734 Dogwood Road
Item No.: 121 (JCM)
No Comments.

RE: Property Owner: Sandra Andriak
Location: NE/S Stemmers Run Road & #613 Harris Lane - Fenwood's
Item No.: #122 (WCP) & #123 (WCP)
No Comments.

RE: Property Owner: William Hirschfeld and Loretta Hirschfeld
Location: #15 Merry Hill Court
Item No.: 124 (JLL)
No Comments.

Printed with Soybean Ink
on Recycled Paper

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

SEP. 23 1993

NOTICE OF CASE NUMBER ASSIGNMENT

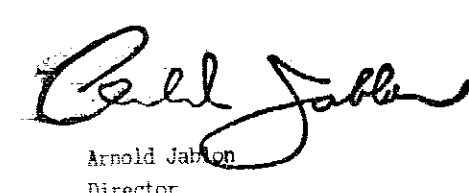
TO: Robert and Denise Gulino
9544 Hickory Falls Way
Baltimore, Maryland 21236

RE: CASE NUMBER: 94-119-A (Item 128)
9544 Hickory Falls Way
N/S Hickory Falls Way, 25' W of c/l Gun Hurst Garth
11th Election District - 5th Councilmanic

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3353. This notice also serves as a refresher regarding the administrative process.

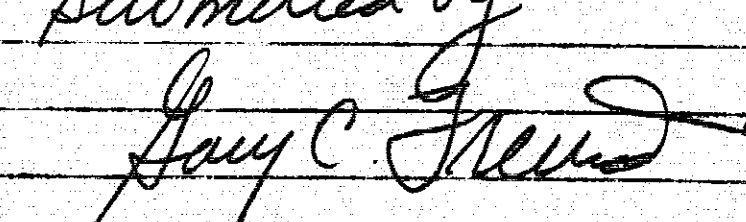
- 1) Your property will be posted on or before October 3, 1993. The closing date (October 18, 1993) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioners. They may (a) grant the requested relief, (b) deny the requested relief, or (c) deem that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.
- 2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioners), the property will be reported and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reporting and newspaper advertising are payable by the petitioner(s).
- 3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.


Arnold Jablon
Director

Re: 9544 Hickory Falls Way.
Inspection spoke with Denise Gulino. Interior of building has 2nd floor and rear stairway up to same. Building is presently used for storage however husband Mr. Gulino was sleeping on second floor at time of inspection because of night work shift and use of dwelling for daycare of children according to Mrs. Gulino.

It was also noted that all 7 doors windows in the structure are covered with white paper.

Submitted by


Note to file

Petitioners called said there is no water/sewerage to garage only sewer. No apt on 2nd floor only storage. He sleeps up there when his wife is running her day care up to works nights. Extra night needed for storage.

OK to grant
subject as to no apt use, kitchen or bath

11/5/93

Petitioners sent in photos + affidavit as proof of no partition

Case 94-119-A
Note to file -
Set case in for hearing.
Nature of practical difficulty is not sufficient as the mere fact they built it is ignorance of the regulations.
Also, 2nd floor field inspection is disturbing. ~~Owner~~ Owner sleeping on 2nd floor. Windows covered.
Set in for hearing

11/11/93

Note to file-

The site plan & photos show the garage to be very large. The petitioner's reason for needing difficulty (we built it & we didn't know the regulations) is insufficient.

More importantly, the photos show an air conditioning unit in the garage. Here appears to be a second floor. I'm going to ask J.T. to have someone look at the property. The garage being used for? Why is the extra height needed? Is there a 2nd floor?

Perhaps set in for public hearing after inspection

10/20/93

November 3, 1993

Mr. Larry Schmidt
Zoning Commissioner

RE: Case # 94-119-A
9544 Hickory Falls Way
Petitioner: Robert Gulino

Dear Mr. Schmidt:

In reference to our conversation today concerning the use of the second floor of my garage located at the above address, I would like to assure you that its primary purpose is for storage. It is true that on occasion I sleep there because I work nights 6 to 8 days a month and my wife does daycare in our home, which is a split foyer, but the only reason the garage was built was due to having 3 small children of our own, the storage space was necessary since the space in the home is utilized for daycare.

There are no utilities in the garage other than electric which is fed off our house electric panel.

I am enclosing some pictures of the upper floor so you may ascertain the current use of this area.

I would also like to assure you that there is no intention on my part to turn this area into or use it for any other purpose than storage and a place to rest when I'm working nights.

I would like to thank you in advance for your prompt handling of this matter and if you have any questions, please feel free to give me a call at 529-2150.

Sincerely,

Robert S. Gulino
Robert S. Gulino

Noted: 11/3/93
Notary Public: Jody Hagan
Expires: 9/1/95

We the undersigned support Robert Gulino's petition for a variance on the height limitation of his garage.

Signature	Address
James F. Homan	9548 Hickory Falls Way
Pat Wierzbicki	9530 Hickory Falls Way
John J. Wierzbicki	9550 Hickory Falls Way
Karen Sawicki	9542 Hickory Falls Way
Thomas H. Baine	1 CHATHAMST CARTH
Bill Miller	9547 Hickory Falls Way
Larry Johnson	9535 Hickory Falls Way
John Johnson	9540 Hickory Falls Way
Barry Smith	9546 Hickory Falls Way

#128
94-119-A

Plat to accompany Petition for Zoning Variance Special Hearing

PROPERTY ADDRESS: 9544 Hickory Falls Way

OWNER: Robert S. Gulino

Scale of Drawing: 1" = 20'

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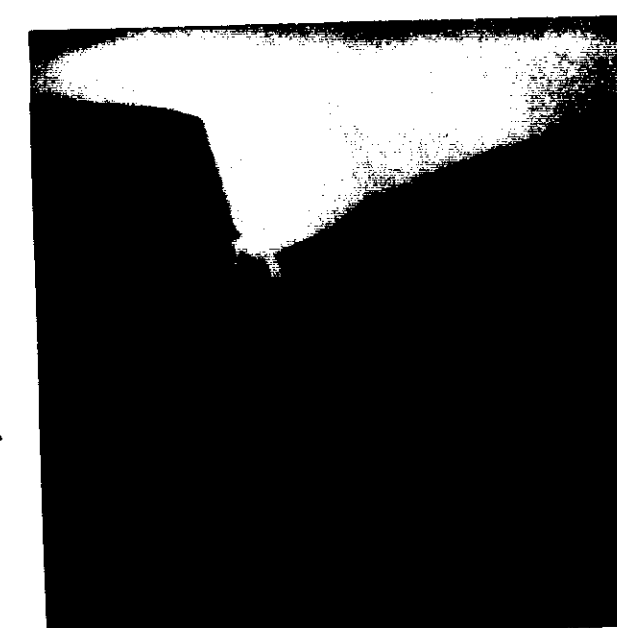
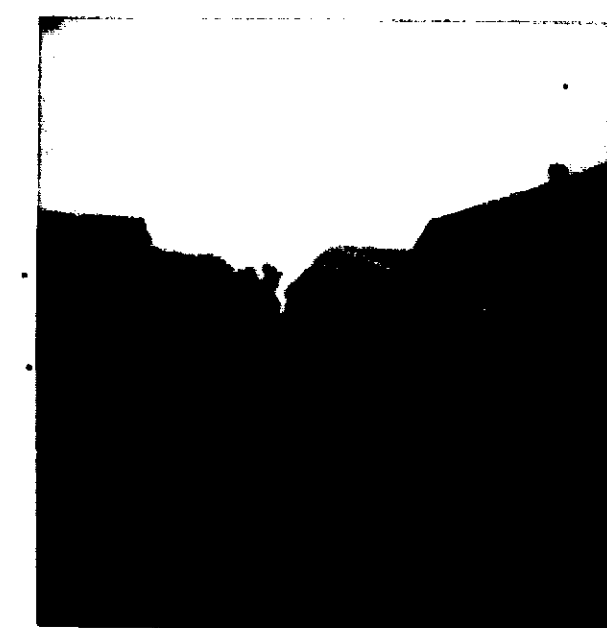
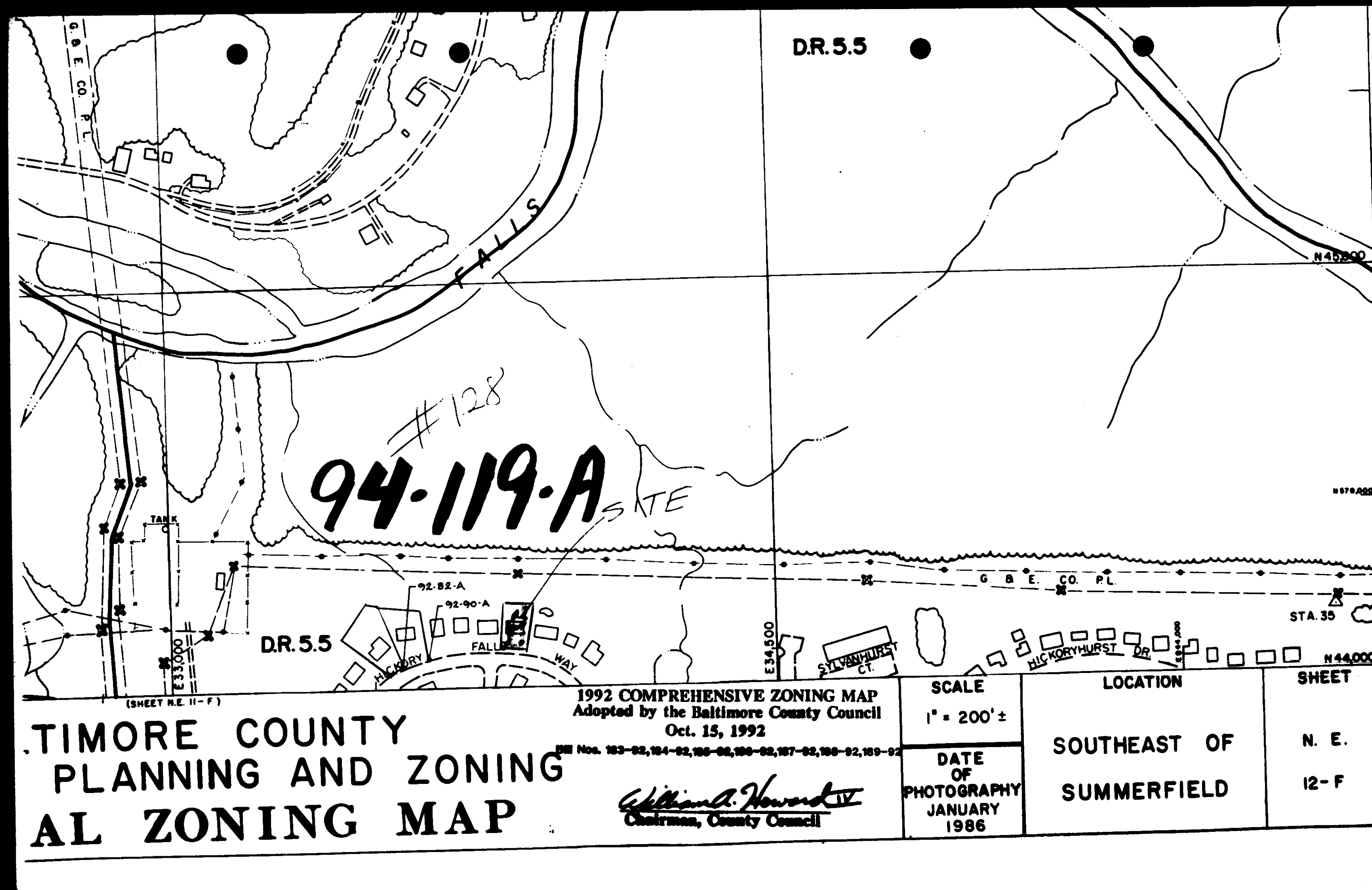
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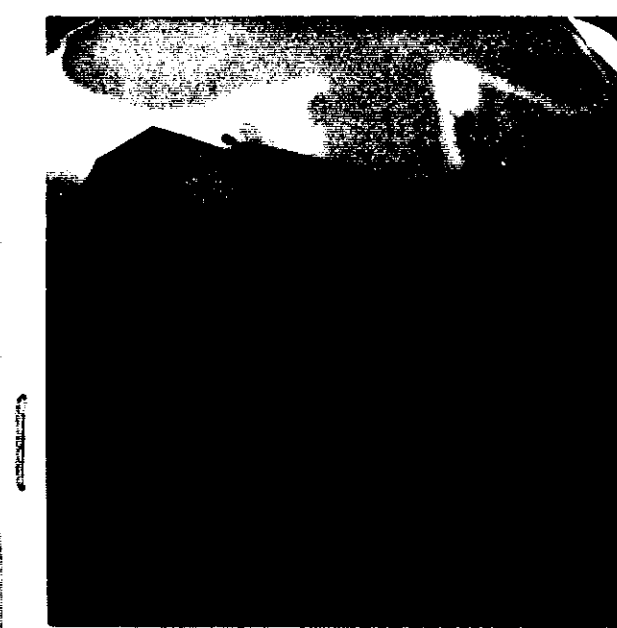
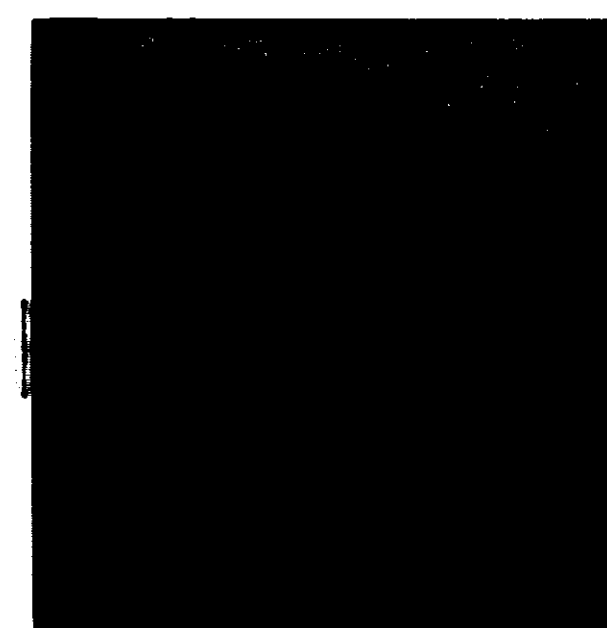
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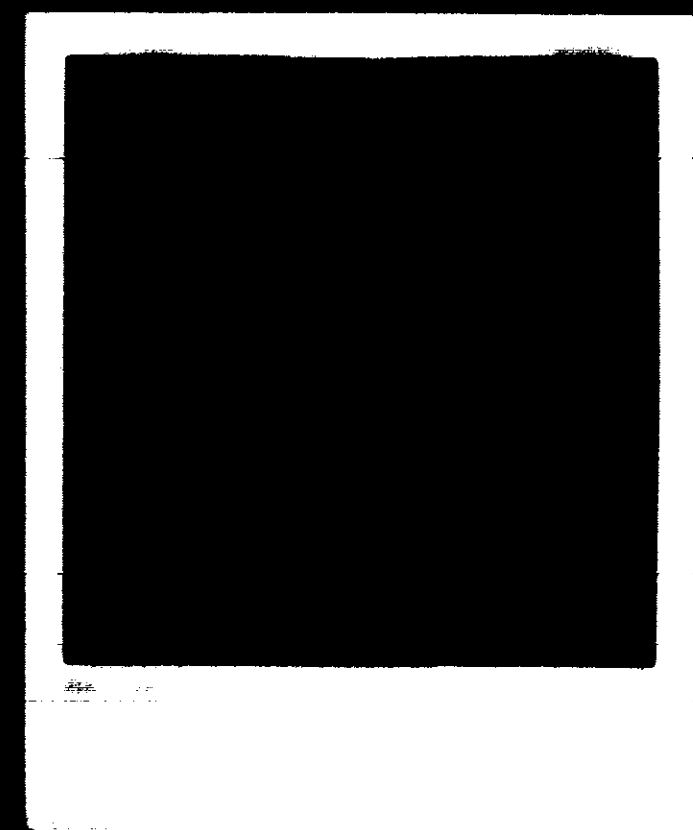
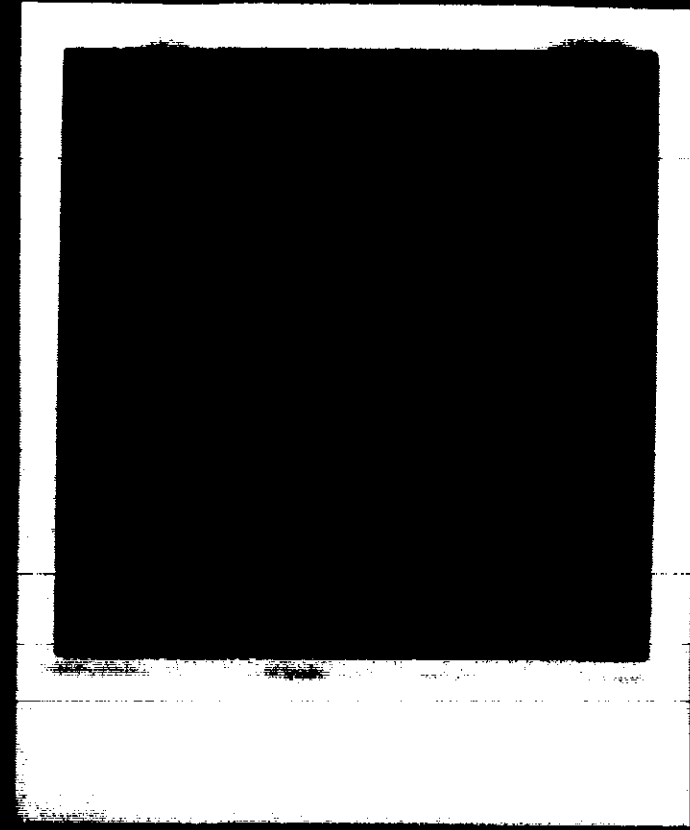
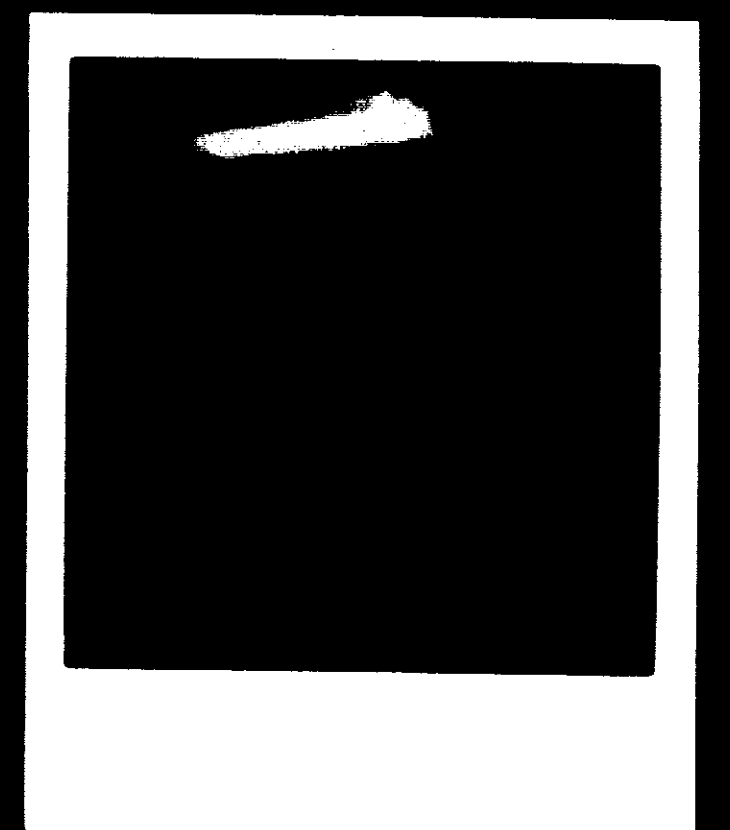
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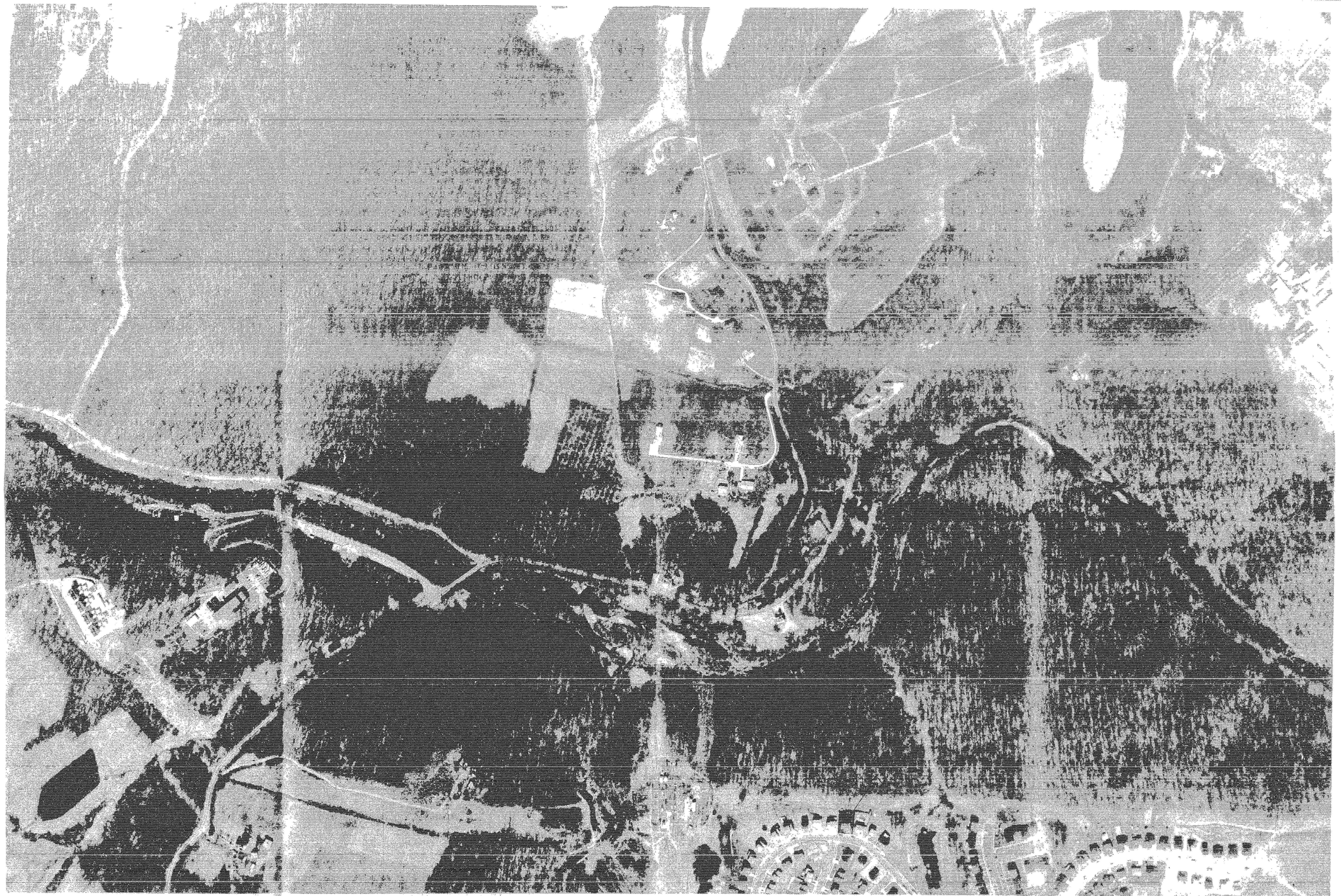


94-119-A



#128





#226

#128

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

SCALE	LOCATION	SHEET
1" = 200' ±	SOUTHEAST OF SUMMERFIELD	NE 12-F
DATE OF PHOTOGRAPHY JANUARY 1986		